



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

James Freas
Acting Director

MEMORANDUM

DATE: March 6, 2015

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: James Freas, Acting Director of Planning and Development

RE: #376-14 - PLANNING & DEVELOPMENT DEPARTMENT
requesting that Chapter 30 Zoning be deleted in its entirety and
replaced with the Zoning Reform Phase 1 Zoning Ordinance.

MEETING DATE: March 9, 2015

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

There are two remaining issues for discussion relative to the Zoning Reform Phase 1 draft ordinance; whether to continue to have the Official Zoning Map in paper format or switch to a digital, GIS-based map and whether to include definitions for the terms “lot” and “site” within the ordinance.

Paper or Digital Official Zoning Map

Newton, like many communities, has relied on a paper Official Zoning Map, which is supposed to be periodically updated. Many communities are switching over to digital maps. The benefits of digital maps include:

- A digital map can be viewed from anywhere through a computer or mobile device. The paper map may only be viewed in the one location where it exists.
- A digital map is more easily updated.
- A digital map cannot be lost, damaged, or simply allowed to deteriorate over time.

Newton’s GIS data protocols include password protection and daily back-ups to remote servers. As required by the proposed zoning ordinance text, a paper copy will always be kept on file.

Defining Lot and Site

Newton's current zoning ordinance does not define the term "lot" which, as one of the basic units of land use regulation, is a very important term. The current ordinance also lacks a definition for "site," another important term in certain regulatory situations where it must be distinguished from a "lot." Both definitions are proposed for inclusion in the reformatted zoning ordinance for the purpose of clarity. The question was raised as to how these terms were intended to be used and how they might affect other parts of the existing ordinance.

Basically, a "lot" is the single piece of land or property that a person owns, whether it is their intention to live or conduct business there, rent the property to someone else, or develop the property. Owning a lot does not necessarily entitle one to the right to develop that lot. A "site" is one or more lots controlled by one entity or person assembled or acquired specifically for the purpose of development. Site becomes an important term where the ordinance is clearly intending to regulate future development that might occur on one or more assembled lots such as the Open Space Preservation District. In those situations, it is important to be able to differentiate between those requirements that apply to the entire site as opposed to those applying to an individual lot within or created as a part of the development of the site. Again, the fact that one has property that might constitute a site by the definition in no way imparts the right to develop that property.

Proposed Language

Lot

A. Defined. A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

Site

A. Defined. A site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

Other Examples

Lot:

1. A bounded area of land with appropriate frontage on and undivided by a public way intended for the purpose of sale, legacy, or development at any time.
2. A contiguous parcel of land in common ownership throughout, described on the most current plan or written description of metes and bounds filed in the Registry of Deeds bounded on all sides by lot lines.
3. A designated parcel, tract or area of land having its principal frontage upon a street or a place.
4. A single area of land, in one ownership throughout, defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan. The area of a lot shall not include any part of a way, public or private, which adjoins the lot.

5. A parcel of land recorded in a deed or on a plat of record, and fronting on and having access to a public right-of-way, unless otherwise allowed by this ordinance; a lot may include parts of, or be a combination of abutting lots; for the purposes of townhouse and multiple dwelling development, the lot shall be that land enclosed by the project property lines, as defined herein.
 - a. **Project property line.** The boundaries of an entire multi-family, townhouse, or mixed-use development. [This definition approximates the same intent as has been proposed for the Newton Zoning Ordinance through use of the word site.]
6. A “lot” is any individual lot, tract or parcel of land, intended as a single Building site or unit, having an assigned number or numbers, letter or letters, or other name through which it may be identified for development purposes. A “lot” may also be any combination of lots, tracts, parcels or other areas of land established by acceptable legal joinder, delineated by a closed boundary and assigned a number, letter or other name through which it may be identified, intended as a single unit for development purposes.

Next Steps

The Zoning and Planning Committee should decide what form of map to require as the Official Zoning Map and whether to include definitions for the words “lot” or “site”. With that direction, staff will be able to produce the final draft of the Phase 1 Zoning Ordinance for the March 23rd meeting of the Committee.